

**COMPLIANCE
WITH THE
FEDERAL ACT**

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The state must comply with the four core requirements of the JJDP Act:

- ✍ Remove non-offending youth and status offenders, such as runaways or truant, from locked facilities. (*Deinstitutionalization of Status Offenders*, or **DSO**.)
- ✍ Ensure complete separation of youth from adult offenders in jails and lockups. (**Jail Separation**)
- ✍ Eliminate the confinement of juveniles in adult jails and lockups. (**Jail Removal**)
- ✍ Assess the representation of minority youth in the juvenile justice system, and where disparity exists, develop strategies to address the disparity. (*Disproportionate Minority Confinement*, or **DMC**)

The federal JJDP Act requires participating states to provide for an adequate system of monitoring, including the following types of facilities: adult jails and lockups, local juvenile detention centers, state juvenile training schools, and non-secure facilities, such as mental health or drug/alcohol programs.

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ADULT JAILS AND LOCKUPS

State law prohibits the jailing of juveniles, unless the juvenile has been remanded to adult court. An alleged delinquent juvenile may be held in an adult jail or lockup¹ for up to six hours, immediately before and/or after a court appearance, for the purposes of identification, processing, and to arrange for release to parents or transfer to a juvenile detention facility. Juveniles must be completely separate from sight or sound contact with adult prisoners.

Data are collected through a self-reporting process. Verification is conducted by on-site inspections, by expert consultants (compliance monitors). The GJJAC's annual survey, supplemented by on-site monitoring of 33 of the state's 65 jails and lockups, showed that 136 juveniles were held in adult jails and lockups in violation of the federal JJDP Act in calendar year 2001. Approximately one-half (49%) were violations of both the jail removal and DSO requirements of the federal JJDP Act, as status offenders were held in secure custody status in the jail or lockup. Most of these violations were in city jails. The total jail removal violations were within the de minimus rate allowable for Washington State under federal JJDP regulations.

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JUVENILE DETENTION CENTERS

Each year the GJJAC, through their staff, works with the Juvenile Court Administrators of all local juvenile detention centers statewide to collect data on juveniles detained.

Data are collected by a self-reported survey and through JUVIS (the juvenile management information system, managed by the Administrative Office of the Courts). Verification is conducted by on-site inspection by members of the GJJAC, GJJAC staff, and Regional Program Development Unit members.

¹ A lockup is similar to an adult jail, except an adult lockup is generally a municipal or police facility of a temporary nature that does not hold persons after they have been formally charged.

SECURE CRISIS
RESIDENTIAL CENTERS

Data on youth detained in Secure Crisis Residential Centers (S-CRCs) are collected through a self-reporting process, and through the management information system operated by the Division of Children and Family Services, DSHS. On-site verification is conducted by the GJJAC's compliance monitors. There were 66 total S-CRC beds in 2001, with nine facilities in operation (4 public, 5 private).

In 2001, it was determined through GJJAC compliance monitors' findings and GJJAC staff analyses, that five of the nine facilities (those operated by private non-profit agencies) did not meet the federal definition for "secure facility" as described in recent federal guidelines. (However, these five facilities are physically secure as required under Washington State statutes, and by their licensure as Secure Crisis Residential Centers.)

There were over 900 admissions of youth to the four S-CRCs that are located within specific designated areas of juvenile detention centers in calendar year 2001. The average length of stay (in these four facilities) was approximately 41 hours in 2001, excluding weekends and holidays (with the average range from 28 to 44 hours). Approximately 30 percent of the total admissions were detained 24 hours or less, excluding weekends and holidays. There were 635 violations of the removal of status offenders and non-offenders requirement (DSO) of the federal JJDP Act for these four facilities total in 2001. These violations do not include youth placed in these four S-CRCs who were released within 24 hours, excluding weekends and holidays, or who received a judicial court review within 24 hours, excluding weekends and holidays, and who were released within an additional 24 hours after the review, excluding weekends and holidays.²

During 2001, one of the four S-CRCs located within juvenile detention centers provided a judicial court review process throughout the year (held within 48 hours of a youth's admission), and two of the S-CRCs began to hold the court reviews during the spring and fall of calendar year 2001, within 24 hours, excluding weekends and holidays.

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COMPLIANCE WITH THE
DSO REQUIREMENT OF
THE FEDERAL JJDP ACT

Washington State was found to be out of compliance with the DSO requirement of the federal JJDP Act in the spring of 2000, because the number of youth held in violation of the DSO requirement in S-CRCs exceeded the de minimus rate allowable for Washington State under federal JJDP regulations. The FFY 2000, 2001 and 2002 Formula Grant Awards to Washington State were reduced by 25 percent of the annual allocation. The State has agreed to expend the remaining 75 percent of Formula Grant funds to fund programs that will assist in returning Washington State to a status of compliance with the DSO requirement (and to maintain compliance with the other three requirements of the federal Act).

"Status Offenders/Non-Offenders" was again selected by the GJJAC as the priority program area for 2003 funding. Four new projects were selected and awarded funding, beginning August 2002, in addition to the *Spokane United for Children* project, to assist communities in developing strategies to address

² Federal regulations allow a facility to hold an accused status offender in a secure juvenile detention facility for up to 24 hours, excluding weekends and holidays, prior to an initial court appearance, and for an additional 24 hours, excluding weekends and holidays, immediately following an initial court appearance.

COMPLIANCE WITH
THE DSO
REQUIREMENT OF THE
FEDERAL JJDP ACT
(continued)

the needs of juvenile status offenders and non-offenders. The GJJAC specifically targeted projects that addressed the problems related to runaway youth, and assisted local jurisdictions in providing support and follow-up services, in non-secure settings, to this population.

A workshop was held in May 2002 to collaboratively address the compliance issue. It was attended by juvenile court administrators, GJJAC members and staff, and a compliance specialist from the federal Office of Juvenile Justice and Delinquency Prevention. Recommendations from that meeting are being implemented, as noted below.

A local court rule is being drafted, and is anticipated to be implemented during 2003. This local court rule, or judicial policy, would require an initial court review/judicial hearing for all youth held in Secure Crisis Residential Centers (that are located within juvenile detention centers) within 24 hours, excluding weekends and holidays, consistent with federal requirements. The local policy would encourage facilities to move quickly to assess each youth's individual needs and referrals to services, and to quickly locate appropriate shelter care/placements for youth in a non-secure setting, as applicable. Federal regulations allow an additional 24 hour period, excluding weekends and holidays, after the initial court review to arrange for appropriate shelter care placement, or for return to the youth's parents or guardian.

Additionally, as of October 2002, all four of the juvenile courts with S-CRCs within their detention centers are now implementing a judicial review process for runaway youth held in their respective S-CRCs within 24 hours, excluding weekends and holidays. It is anticipated that the adoption of a local court rule, and initial court review process for all youth within 24 hours, will reduce the number of DSO violations for Washington, as well as improve the juvenile justice system and bring the state back into compliance during 2003.

In 2001, the GJJAC commissioned a research study to identify possible gaps in services for status offending youth, and to examine policies and practices at the nine S-CRCs. The study results are outlined in the Runaways/Status Offenders and Non-Offenders *Priorities and Programs* section of this annual report.

The GJJAC will also continue to provide technical assistance and training on DSO issues, and other issues related to status offenders (mental health, substance abuse, etc.).

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